

JUN 30 2003

#16

PTO/SB/64 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) <i>PA/065415</i>
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First named Inventor: *Lynn D. Spraggs*Application No.: *09/554,419*Art Unit: *2134*Filed: *May 11 2000*Examiner: *Matthew Smithers*Title: *System and Method of Sending and Receiving Secure Data with a shared Key -*

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Adjustment date: 00/00/0000  
07/01/2003 AKELLEY 00000009 09554429

-640.00 OP

Other than small entity - fee \$ 640 (37 CFR 1.17(m))

07/08/2003 AKELLEY 00000007 09554419

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of \_\_\_\_\_ (identify type of reply):

 has been filed previously on \_\_\_\_\_ Is enclosed herewith.B. The issue fee of \$ 640 has been paid previously on 01-FEB-1999 is enclosed herewith.

07/01/2003 AKELLEY 00000009 09554429

640.00 OP

(identify type of reply):

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/61 (10-00)

Approved for use through 10/31/2002, OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

April 8/2003

Date

Signature

Lynn Spragg

Typed or printed name

2179 11<sup>th</sup> Ave

Address

Vernon BC CanadaV1T 8V7Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unavoidable delay**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

April 8/2003

Date

Signature

Lynn Spragg

Typed or printed name of person signing certificate

June 30, 2003

Application Number: 09/554,429

Application Filed: May 11, 2000

For: SYSTEM AND METHOD OF SENDING AND  
RECEIVING SECURE DATA WITH A  
SHARED KEY

FAX RECEIVED

JUN 30 2003

PETITIONS OFFICE

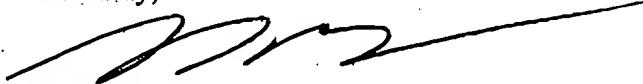
Application for revival due to unintentional delay

Please accept this letter as my request to have the above patent application reinstated. It was never my intention to abandon the claim. I tried to save the application on October 21<sup>st</sup> 2002 because my Attorney's did not file the application as instructed due to non payment of fees. The application I filed did not meet the requirements of the patent office and the patent was marked as abandoned. When I was notified that it was abandoned, I filed an unavoidable delay application that was judged to be inappropriate for the circumstances surrounding the abandonment.

The requirement to file by the October 21 date and the application by the Law firm to be removed as attorneys at roughly the same time, plus their refusal to file the appropriate claim led to the abandonment. I have done whatever I could to try and save the claim and I respectfully ask that you reinstate the application so that I can move it to a successful completion. In my mind it is a meritorious application and it must be preserved.

Thanking you in advance for any help you can give me on this petition.

Sincerely,



Lynn Spraggs,

Fax: 250-549-3751 Phone: 250-542-0112

UIS

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JUN 30 2003

PETITIONS OFFICE

**Fax**

**To:** Office of Petitions

**From:** Lynn Spraggs

**Fax:** 703-308-6916

**Pages:** 5 including this one

**Phone:**

**Date:** 30/06/2003

**Re:** Petition 09/554,419

**CC:**

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

Attached please find the petition which I am submitting.

Please call me with any questions you might have.

Lynn Spraggs, Ph.D. P.Eng.

Phone: 250-542-0112

FAX : 250-549-3751

